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TO	Commissioner for Patents	Tuesday, December 14, 2004 6:02:0
	<small>Name</small>	<small>Date</small>
	USPTO, Art Unit 3625	1(703) 872-9306
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MESSAGE:

In re:

U.S. Patent Application 09/823,999

Filed: April 3, 2001

Inventor: Publiese, III, et al.

Invention: System and Method of Displaying and Selling Goods and Services

Attached for filing are the following documents:

1. Petition for Extention of Response Time
2. Response to Restriction Requirement

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Robert M. Pond
Pugliese, III, et al.) Group Art Unit: 3625
Serial No: 09/823,999) Attorney Docket No.: S255 1010.1
Filed: April 3, 2001)
For: System and Method for Displaying and Selling Goods and Services

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed June 15, 2004, Applicants provide the following:

The Examiner has determined that the claims in the present application are drawn to four distinct inventions and has requested restriction to one of the inventions as follows:

- I. Claims 1 – 9 drawn to incentive or promotions, classified in class 705, subclass 14;
- II. Claims 10 – 42, drawn to electronic shopping, classified in class 705, subclass 26;
- III. Claims 43 – 49, drawn to presentation of image or description of sales items, classified in class 705, subclass 27; and
- IV. Claims 50 – 51, drawn to incentive or promotions, classified in class 705, subclass 14.

In response to the restriction requirement, Applicants hereby elect the invention of Group II with traverse. Applicants request reconsideration and withdrawal of the restriction requirement

on the grounds that the restricted claims are closely related and should be considered together in the same application.

The Examiner stated that inventions I - IV are related as combination and subcombination. The Examiner further stated that in the instant case, the combination as claimed does not require the particulars of the subcombination as claimed, because aggregating incentive awards into a single account is distinct from Groups II - IV. The Examiner further stated that the subcombinations have separate utility such as (a) electronic shopping not requiring incentives, (b) presentation of image or description of sales items, or (c) gaining approval for incentives or promotions.

Regarding Group I claims, claim 1 is directed to a method for selling and recites the steps of signing in through *an entry portal*, *selecting items for viewing*, and *dynamically displaying* selected items. Each step recited in the claims pertains to electronic shopping at a web portal (i.e., at the web site of the electronic shopping service provider). Dependent claims 2 - 7 reinforce the electronic shopping aspect of this claim set. For example, claim 2 recites remote viewing, claim 3 recites connecting to a sale's assistant, claim 4 recites selecting items from different vendors. The incentive aspect of this claim set only appears in dependent claims 8 - 9. Therefore, there is a close relation between the claims in this claim set and the Group II claims drawn to electronic shopping in a live, real-time interactive session including remote viewing (claims 14, 16), live sales assistance (claims 10, 18, 24, 26), at multiple retailers (claim 31), with incentives targeted to shopping sessions (claims 29, 30).

Regarding Group III claims, claim 43 is directed to a method for displaying merchandise in a space for access by remote cameras and recites the steps of creating display areas, disposing video cameras in said display areas to scan said displays, *connecting one or more shoppers to said cameras through communications networks for viewing*, and remotely manipulating said cameras to *allow shoppers to view merchandise within said display area*. As is the case with claim 1, each step recited in the claims pertains to electronic shopping at a web portal with the emphasized words clearly indicating the electronic shopping aspect of the claim. Dependent claims 44 – 49 reinforce the electronic shopping aspect of this claim set. For example, claim 44 recites the step of allowing shoppers to access the cameras through a portal; claim 45 recites the step of connecting a sales assistant to the shopper through the communication network; claim 47 recites the step of issuing shopping tokens to shoppers; claim 48 recites the step of a shopper making a purchase, etc. Thus, there is a close relation between the claims in this claim set (Group III) and the Group II claims drawn to electronic shopping in a real-time live portal with voice and video communications (claim 36) with live sales assistance (claims 10, 18, 24, 26).

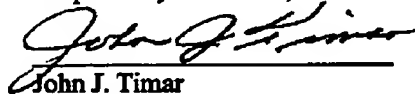
Regarding Group IV claims, claim 50 is directed to a method for streaming advertising to a shopper and recites the steps of *creating an interactive communications network between a shopper and merchants, gathering shopper profiles, selecting advertising based on said shopper profiles, obtaining shopper's permission to stream messages to him*, and presenting information based on said profiles to said *shopper through said network*. Each step recited in the claim pertains to electronic shopping at a web portal with the emphasized words clearly indicating the electronic shopping aspect of the claim. Only dependent claim 51 recites the step of offering

inducements (i.e., incentives). Again, there is a close relation between Group IV claims and the Group II electronic shopping claims including providing multiple merchants (claims 16, 31, 32) with the ability to create a shopper profile (claims 16, 35), target advertising (cf. claim 40 notifying shopper of bargains and sales) and incentives to specific shoppers (claim 29) or on specific merchandise (claim 30) during the shopping session.

In view of the above, Applicants respectfully request that the Examiner withdraw his restriction requirement for the pending claims and consider all the pending claims together in this application.

Respectfully submitted,

12/14/04
Date


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